

The Tipton County Plan Commission held its regularly scheduled meeting in the first floor conference room, County Courthouse, Tipton, IN on April 19, 2012 at 7:00pm.

Meeting was called to order by President, Jason Henderson.

Roll call was taken and the following members were present: Frank Zickmund, Paul Julius, Jim Ashley, Mark Baird, Tom Dolezal, Jane Harper, Jason Henderson, Elizabeth Wissel, Steve Edson and Sherryl Hensley, and several interested parties and representatives from E.ON were also present (see attached sheet).

Members absent: Scott Friend

Minutes

Mark Baird made a motion to table the March minutes until next scheduled meeting; motion was seconded by Jane Harper. Motion was approved by all.

Old Business

Jason asked for a motion to reopen the Continuation of Public Hearing on Rezone for E.ON on behalf of James Webb to change zoning from AG, Agriculture to AB, Agribusiness to open a maintenance facility on 10 Acres on the north side of CR 400 N between CR 400 E and 500 E. Jim Ashley motion to reopen the Public Hearing for the Rezone for E.ON; motion was seconded by Mark Baird. Motion was approved by all.

Andy Melka, E.ON Climate and Renewables - 353 N Clark St – 30th floor – Chicago, IL 60654 presented a power-point presentation and drawings of the proposed facility which would include a storage area to the Plan Commission and members of the public. Andy announced the Wildcat Wind Farm project has begun. E.ON has been upgrading local roads and a few foundations have been poured. E.ON plans to invest up to \$1.5 million in the operation and maintenance facility which would include a storage area and provide up to 50 jobs once the Wildcat Wind Farm is completed.

The office building would be 12,600 square feet. A second building used for oil containment would be 3,600 square feet. The facility will be in operation for 30 years and is used to monitor the wind turbines and control when to turn them on and off.

The storage areas will house two to four blades and other items needed for repairs of the turbines.

The lighting in the storage area would not be turned on at night, except for emergency repairs. They will follow the lighting guidelines in the County Zoning Ordinance.

E.ON chose this location as it was centrally located to future projects of the Wildcat Wind Farm. E.ON looked at a couple of other locations and considered this one to be the best option.

Board members asked the following questions and they were answered by Mr. Melka

Was this site plan designed for this location? Andy Melka stated it was designed for this site only. Landscaping would be installed and maintained to County Zoning Ordinance.

What will the traffic be like? During Phase 1 there will be 8 to 15 employees working on a daily basis, Phase 2 there will be 20 to 30 employees and Phases 3 and 4 there will be 40 to 50.

How will the fiber optic connect? There will be one fiber optic line running to the O & M facility which will be connected to all turbines in the project.

How often will the oil for the Turbines be emptied? It will be recycled every 6 months and there will be a containment dike built around the oil storage location.

Jason Henderson asked if there were any comments from the public.

Kevin Colbert stated that Tipton County was divided on the construction of the Wildcat Wind Farm, but that local residents were not in favor of the facility. Kevin feels the request for the facility should have been zoned light industrial or general industrial and that the Agribusiness zoning was intended for companies providing needed supplies and services to local farming community.

He asked, "If you build a facility like this in a rural area, how do you tell the next one, "no". You are setting precedent for the future of the county. "

David Booth said his family moved to the area about 11 months ago knowing the wind farm was a possibility. He said the operations and maintenance facility would have changed their thinking.

Fred McCorkle said Tipton County is one of the three garden spots in the world and this project is taking more land out of the garden. He also feels there are other areas in Tipton County that were less densely populated and would make a better location for the facility.

Judy Colbert stated it has to be somewhere and it happens to be close to us.

Jason Henderson asked for a motion to close the public hearing. Frank Zickmund motion to closed the Public Hearing; motion was seconded by Jane Harper. Motion was approved by all.

Steve Edson, Planning Director, stated he made the decision on the zoning use category designation for the project. Steve sated he was comfortable that Utility Office and Storage Facility is the appropriate analogous use and that this is not an industrial use. He further stated that he considered approving the rezoning request without a public hearing because the Tipton County Board of Zoning Appeals last year approved a conditional use for the entire area that would include the wind farm and other related facilities.

Jim Ashley feels we are changing the rural setting and this project does not follow Tipton County Comprehensive Plan.

Jane Harper stated the Commissioners have signed all agreements up to this point and that as a Commissioner she must continue to abide by the agreements and be in favor of the project.

Paul Julius stated he is against the project as it's in his backyard.

Jason Henderson asked for a motion to send a favorable, negative or neutral recommendation to the County Commissioners.

Tom Dolezal made a motion to send a favorable recommendation to the Board of Commissioners to permit Rezone for E.ON on behalf of James Webb to change zoning from AG, Agriculture to AB, Agribusiness to open a maintenance facility on 10 Acres on the north side of CR 400 N between CR 400 E and 500 E. and included all material and commitments presented at tonight's meeting. Motion was seconded by seconded by Jane Harper.

Mark Baird asked Tom if he would amend his motion to include that E.ON would not seek eminent domain jurisdiction over this project or any future projects. Motion was seconded by Tom. All members approved the amendment to the motion.

Frank Zickmund asked to amend Tom's motion by adding a requirement that a transportation plan for incoming and outgoing oil be required. Motion was seconded by Mark Baird. All members approved the amendment to the motion.

Roll Call vote on the motion with amendments

Paul Julius – no
Jim Ashley – no
Frank Zickmund – no
Mark Baird – yes
Tom Dolezal – yes
Jane Harper – yes
Elizabeth Wissel – abstain
Jason Henderson – no

Motion failed 4 to 3 vote

Jim Ashley made a motion for an unfavorable recommendation to the Board of Commissioners for the rezone to change zoning from AG, Agriculture to AB, Agribusiness to open a maintenance facility. Motion seconded by Frank Zickmund.

Roll Call Vote

Paul Julius - yes
Jim Ashley - yes
Frank Zickmund - yes
Mark Baird - no
Tom Dolezal - no
Jane Harper - no
Elizabeth Wissel - abstain
Jason Henderson- no

Motion failed 4 to 3 vote

There was discussion about grounds for abstention and Steve Edson read from the Bylaws and Rules of procedure that abstentions were for the purpose of conflicts of interest only and that abstentions were counted as with the majority or did not count in the case of tie.

Tom Dolezal made motion to send a neutral recommendation to the Board of Commissioners to Rezone from AG, Agriculture to AB, Agribusiness. Motion was seconded by Jane Harper

Paul Julius – no
Jim Ashley – no
Frank Zickmund – no
Mark Baird – no
Tom Dolezal – yes
Jane Harper – yes
Elizabeth Wissel – yes
Jason Henderson – yes

Motion failed 4 to 4 vote

Mark Baird made a second neutral recommendation to the Board of Commissioners to rezone from from AG, Agriculture to AB, Agribusiness. Motion was seconded by Tom Dolezal

Elizabeth Wissel – yes
Jane Harper – yes
Tom Dolezal – yes
Mark Baird – yes
Frank Zickmund – no
Jim Ashley – no
Paul Julius – yes
Jason Henderson – yes

Motion was approved by 6 to 2 vote

Public Hearing

Jason Henderson opened the public hearing for Preliminary Subdivision and final plat approval for E.On on 10 Acres on the north side of CR 400 N between CR 400 E and 500 E.

Jason Henderson asked if there was any one that wanted to speak in favor or against. There was none. Jason Henderson asked for a motion to close the public hearing. Jane Harper made a motion to close the public hearing. Motion was seconded by Mark Baird. Motion was approved by all.

Andy Melka from E.ON and Wyatt Johnson from 40th Parallel presented the Preliminary Subdivision and final plat for E.ON on 10 Acres on the north side of CR 400 N between CR 400 E and 500 E. Wyatt Johnson stated the plat had been through the Development Plan Review Committee. The Plan Commission office did receive a letter for the Tipton Health Department regarding recommendations regarding requiring a commercial type septic system approval from the State.

Jason Henderson asked if there were in comments, questions or concerns from the Board or public regarding the Preliminary Subdivision presented. Being no comments, questions or concerns Jason Henderson asked for a motion to approve the proposed subdivision plat.

Tom Dolezal made a motion to approve the Preliminary Subdivision and Final plat for E.On on 10 Acres on the north side of CR 400 N between CR 400 E and 500 E. Motion was seconded by Mark Baird.

Jason Henderson asked for a Roll Call Vote,

Paul Julius – No
Jim Ashley – Yes
Frank Zickmund – Yes
Mark Baird – Yes
Tom Dolezal – Yes
Jane Harper – Yes
Elizabeth Wissel – Yes
Jason Henderson -

Motion was approved by 6 to 1 vote

Reports

Steve Edson stated there was a good attendance for the County Comprehensive Plan kick off and key person interviews received favorable comments as well. Houseal Leivgene will be putting information on their website, asking for public input.

Floor opened to the public

Bob Edinger stated that he would like to see the sound system used at all meetings.

Jason asked if there were an additional comments, questions or concerns. Being none; Jason asked for a motion to adjourn meeting.

Jim Ashley motioned to adjourn meeting; motion was seconded by Frank Zickmund. Motion was approved by all.

Meeting was adjourned

Jason Henderson, President

Date

Sherryl Hensley, Secretary

Date